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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/606,534	06/26/2003	Christopher Robert Pringle		5728
7590 10/05/2004				
CHRISTOPHER PRINGLE		EXAMINER		
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DALTON, PA 18414				
		ART UNIT	PAPER NUMBER	
		3727		

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,534

Applicant(s)

CHRISTOPHER R. PRINGLE

Examiner

Gary E. Elkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. The abstract of the disclosure is objected to because (1) It is not written in single paragraph form. (2) The sentences within the abstract are grammatically unclear insofar as they include capitalized words which are not proper names. Correction is required. See MPEP § 608.01(b).

3. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119 (e)(1) as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The reference to the provisional application is incorrectly set forth under the Detailed Description rather than as the first sentence of the application. Also, the reference must claim the benefit of the prior application rather than merely indicating that it depends from the prior application. For example, the phrase could be

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stated as "This application claims the benefits of U.S. Provisional Application No. 60/391,218, filed 06/26/2002."

4. The disclosure is objected to because of the following informalities: (1) The specification is includes many instances of incorrectly capitalized words appearing within sentences. (2) The following are each grammatically unclear: page 2, lines 8, 13, 14, 16-21, 24-26, 28 and 29, "there of to extend", "While Velcro brand fasteners...adjustability." (no verb), "The arm/wrist band 10 includes....for example by sewing." (run-on sentence), "which assists in positioning the arm/wrist band 10 *as* the forearm 23", "A fastening means not shown, a slightly curved....to the arm/wrist band 10." (no verb), "Bracket holes 15 are used to mount....tripod mounting hole." and "Hole 15" (which one?).

Appropriate correction is required.

Claim Objections

5. Claims 1-5 are objected to under MPEP 608.01(m) because they are not written in single sentence format. Claims 1-5 are written in multiple sentences.

Claim Rejections - 35 USC § 112

6. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 3 and 5 contain the trademark/trade name VELCRO. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the

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trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe hook and loop fastening material and, accordingly, the identification/description is indefinite.

Regarding claims 2 and 3, the word "means" is preceded by the word(s) "Velcro connecting" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 1, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

In claim 1, last line, "suitable" is unclear in scope.

In claim 1, lines 2 and 3, "for securing a video camera and a camera" is unclear insofar as the disclosed support appears to only be capable of supporting one or the other, i.e. not both as set forth.

In claim 3, line 3, "extends through on of said slots" is unclear in meaning.

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In claim 5, line 1, "a stabilizing strap" is a double inclusion of an element insofar as the stabilizing strap was previously introduced into the claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2 and 5, as best understood in view of paragraphs 5 and 6 above, are rejected under 35 U.S.C. 102(b) as being anticipated by Meldrum. Meldrum discloses an arm/wrist camera holder including a bracket 17 of rigid construction, multiple holes 21, 22 for securing the camera (via the strap 20), multiple slotted holes 26, 29 for securing and supporting the bracket to the arm/wrist band 15. The arm/wrist band 15 allows vertical adjustment along the arm/wrist insofar as claimed.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 3, as best understood in view of paragraphs 5 and 6 above, is rejected under 35 U.S.C. 103(a) as being unpatentable over Meldrum in view of Canepari et al. Meldrum discloses all structure of the claimed support except clips formed with two slots to secure the arm/wrist straps to the arm or wrist. Canepari et al teaches that it is known to secure arm straps to a

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support article using clips 28 with holes and connecting loops 26. It would have been obvious to make the arm/wrist strap of Meldrum using two straps and clips as taught by Canepari et al since the strap arrangement of Canepari et al provides a less restrictive strap arrangement which is more easily adjusted to differing diameters at different points along a persons arm/wrist. It is noted that both double and single strap arrangements for securing articles to a persons arms and wrists are well known in this art.

11. Claim 4, as best understood in view of paragraphs 5 and 6 above, is rejected under 35 U.S.C. 103(a) as being unpatentable over Meldrum in view of Caster. Meldrum discloses all structure of the claimed support except a finger hole for receiving the four fingers of a persons hand when positioned on the wrist of a person. Caster teaches that it is known to make a camera wrist holder with a hole to receive the fingers of the hand to help better stabilize the camera when held. It would have been obvious to make the support strap of Meldrum with an extension including a hole to engage the hand when the support is mounted to the wrist as taught by Caster to provide greater stability during use.

Conclusion

The remaining cited prior art is illustrative of the general state of the art.

In order to reduce pendency and avoid potential delays, Technology Center 3700 is encouraging FAXing of responses in Office Actions to (703)872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by Applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet.

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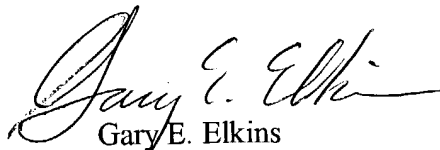
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If in receiving this Office Action, it is apparent that certain documents are missing, e.g. copies of references cited, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bembry at (703)306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703)308-1078.

Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Gary Elkins at telephone number (703)308-1034. The Examiner can normally be reached Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Lee Young can be reached at (703)308-2572.


Gary E. Elkins
Primary Examiner
Art Unit 3727

gee
30 September 2004